

To: Wharton, Steve[Wharton.Steve@epa.gov]; Vallejos, Cinna[vallejos.cinna@epa.gov]
Cc: Madigan, Andrea[Madigan.Andrea@epa.gov]; Williams, Laura[williams.laura@epa.gov]; Bohan, Suzanne[bohan.suzanne@epa.gov]; Sisk, Richard[Sisk.Richard@epa.gov]; Land, Kelcey[Land.Kelcey@epa.gov]; Way, Steven[way.steven@epa.gov]; Hall, Katherin[hall.katherin@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]; Gilbert, Edward[Gilbert.Edward@epa.gov]; Foster, Althea[Foster.Althea@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]
From: Wall, Dan
Sent: Mon 9/21/2015 5:26:38 PM
Subject: RE: LaPlata County Additional Constituent Sampling Issues
09211500.PDF

The sampling should be occurring right now. EPA is collecting one sample for analysis and keeping one sample in reserve until successful transport is confirmed by the lab. The county will not be collecting a sample so access is not an issue for them. The sample will be analyzed by EPA's lab and we will be sharing results with them when they are all available. Attached is the 4 page SAP addendum which has additional details if you are interested.

Dan

From: Wharton, Steve
Sent: Monday, September 21, 2015 10:56 AM
To: Vallejos, Cinna
Cc: Madigan, Andrea; Williams, Laura; Bohan, Suzanne; Sisk, Richard; Land, Kelcey; Way, Steven; Hall, Katherin; Ostrander, David; Gilbert, Edward
Subject: RE: LaPlata County Additional Constituent Sampling Issues

Cinna – Based on my conversations with you and with La Plata County last week, this is where I believe we stand on this sampling event. I'm copying the Environmental Unit Leader and Deputy Incident Commander in Durango as well, so they can correct any inaccuracies.

La Plata County intends to collect samples from the Gold King Mine for the additional constituents we identified in our meeting with them last week. They understand that they can claim reimbursement for the sampling and analysis costs through the yet to be issued cooperative agreement under the "pre-award" provisions of that agreement. Since they will be acting with our approval to conduct the sampling, and the time period for the sampling falls under the allowable pre-award time frame, the current consent for access between EPA and the mine owner can be extended to the County for purposes

of conducting this sampling event.

I believe the Environmental Unit has been working to amend the Quality Assurance Project Plan (QAPP) to include the additional constituents of interest to the County and to share the amended QAPP with them for their use for this particular sampling event. The Incident Command is coordinating physical site access and timing for the sampling.

Thanks,
Steve

From: Vallejos, Cinna
Sent: Monday, September 21, 2015 10:20 AM
To: Wharton, Steve
Subject: FW: LaPlata County Additional Constituent Sampling Issues

Do you know where this stands?

From: Card, Joan
Sent: Thursday, September 17, 2015 11:54 AM
To: Madigan, Andrea; Grantham, Nancy; McGrath, Shaun
Cc: Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth; Land, Kelcey; Way, Steven; Vallejos, Cinna; Bove, James; Hall, Katherin; Ostrander, David
Subject: RE: LaPlata County Additional Constituent Sampling Issues

Nancy, Laura, please advise. Joan

From: Madigan, Andrea
Sent: Thursday, September 17, 2015 11:31 AM
To: Card, Joan; Grantham, Nancy; McGrath, Shaun
Cc: Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth; Land, Kelcey; Way, Steven; Vallejos, Cinna; Bove, James; Hall, Katherin

Subject: RE: LaPlata County Additional Constituent Sampling Issues

Attorney/Client Communication

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I have just been informed that La Plata County will NOT be taking these samples under the cooperative agreement but plan to do so independently next week. They have stated that they will be following EPA's sampling plan. Under these circumstances, the county cannot be considered an authorized representative of EPA. I will check in with Cinna to see if this work could be encompassed under the block grant to CDPHE and procurement order to La Plata County. Under this approach, La Plata may be able to qualify as an authorized representative of the state.

A more definitive approach would be for the county to directly obtain consent for access from the property owner. We are in the process of revising EPA's consent for access with Mr. Hennis.

Attorney Client/Ex. 5

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Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

From: Madigan, Andrea

Sent: Thursday, September 17, 2015 10:46 AM

To: Card, Joan; Grantham, Nancy; McGrath, Shaun

Cc: Wharton, Steve; Williams, Laura; Ward, W. Robert; Bohan, Suzanne; Sisk, Richard; Schefski, Kenneth

Subject: RE: LaPlata County Additional Constituent Sampling Issues

Attorney Client/Ex. 5

Andrea Madigan

CERCLA Supervisory Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop Street

Denver, Colorado 80202

(303) 312-6904

From: Card, Joan

Sent: Thursday, September 17, 2015 10:40 AM

To: Grantham, Nancy; McGrath, Shaun

Cc: Wharton, Steve; Williams, Laura; Madigan, Andrea; Ward, W. Robert

Subject: RE: LaPlata County Additional Constituent Sampling Issues

+ Andrea and Bob

Nancy, Andrea has an answer on question 5 for you.

From: Grantham, Nancy

Sent: Wednesday, September 16, 2015 6:57 PM

To: McGrath, Shaun; Card, Joan

Cc: Grantham, Nancy; Wharton, Steve; Williams, Laura

Subject: LaPlata County Additional Constituent Sampling Issues

Deliberative Process/Ex. 5

Thanks ng